

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	:	1794	Customer No.:	035811
Examiner	:	Jennifer A. Chriss		
Serial No.	:	10/522,519		
Filed	:	February 28, 2005	Docket No.:	TIP-05-1007
Inventors	:	Kyoko Yokoi Koji Watanabe Takafumi Hashimoto		Confirmation No.: 1423
Title	:	ARTIFICIAL SUEDE-TYPE LEATHER AND PROCESS FOR PRODUCING THE SAME		

Dated: May 19, 2009

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is submitted in response to the Official Action dated April 6, 2009.

The Applicants note with appreciation the withdrawal of the previous rejection.

Claims 5 and 7 now stand rejected under 35 USC §103 over the hypothetical combination of Fukushima and Streicher with newly-cited Civardi. The Applicants note with appreciation the Examiner's detailed comments hypothetically combining the combination against Claims 5 and 7. The Applicants respectfully submit, however, that even if one skilled in the art were to make the hypothetical combination, the material resulting from that combination would still not be the same as the Applicants' subject matter as recited in Claims 5 and 7. Detailed reasons are set forth below.

The rejection frankly acknowledges that Civardi fails to disclose that the polyester fibers are ultra-fine fibers having a fineness of 0.7 dtex or less. The Applicants agree. However, the Applicants respectfully submit that Civardi fails to disclose important additional subject matter

from Claim 5. In that regard, the Applicants invite the Examiner's attention to Claim 5 which recites that the leather comprises a fiber-entangled substrate mainly containing ultra-fine polyester fibers with a fiber fineness of 0.7 dtex or less and impregnated with a polyurethane mixed with predetermined amounts and colors of selected pigments. The Applicants respectfully submit that not only does Civardi fail to disclose polyester fibers with a fiber fineness of 0.7 dtex or less, but also fails to disclose a fiber-entangled substrate mainly containing ultra-fine polyester fibers. Instead, Civardi discloses something quite different. Instead of disclosing a fiber-entangled substrate containing ultra-fine polyester fibers impregnated with polyurethane, Civardi discloses an elastomeric sheet of polyurethane that is porous. Moreover, that elastomeric polyurethane sheet is "substantially free of pre-formed fibrous reinforcing fabric" as recited in column 1 at lines 7-11. In other words, the base material taught by Civardi is a porous polyurethane sheet that contains no fibers. This is sharply contrasted to the Applicants' substrate which comprises ultra-fine polyester fibers.

Then, Civardi teaches that the elastomeric sheet is impregnated with a pigmented latex which is a blend of a dispersed pigment with an aqueous emulsion of a polymer as helpfully noted in the rejection at column 2, lines 15-19. However, that pigmented latex is not polyurethane. The pigmented latex is typically other types of material as taught at the bottom of column 2 such as polyacrylate latex, carboxylated styrene modified butadiene-acrylonitrile copolymer latex and the like. There is no disclosure of a polyurethane impregnating material. In that regard, the Applicants fully appreciate that the latexes listed at the bottom of column 2 of Civardi are exemplary and not exhaustive. However, it is clear from other portions of the Civardi disclosure that the pigmented latex that is intended to impregnate the elastomeric sheet is not a polyurethane material. This is confirmed by reference to the bottom of column 3 wherein

after the elastomeric sheet material has already been impregnated with the pigmented latex, a further pigmented solution of a polymer is applied to the surface of that impregnated elastomeric sheet. This constitutes an additional layer on top of the impregnated substrate material. However, there is no disclosure of that additional layer impregnating the substrate. That additional pigmented solution can itself be an elastomeric polyurethane material containing pigment dispersed therein. However, that pigmented polyurethane is a coating that is adhered to the top of the substrate that has already been impregnated with a different pigmented, polymer latex material.

The result of the Civardi teaching is essentially a two-layer construction wherein a substrate of elastomeric polyurethane material is impregnated with a pigmented polymer latex. Then, a second layer which may be a pigmented polyurethane layer is applied onto the already impregnated elastomeric polyurethane substrate. This is completely different from the Applicants' fibrous substrate made from ultra-fine polyester fibers that is impregnated with the pigmented polyurethane.

This is important because even if one skilled in the art looks to Fukushima, the teachings of Fukushima are inapplicable to Civardi because Civardi already discloses an elastomeric polyurethane substrate that is free of fibrous materials. Therefore, one skilled in the art would have no incentive to look to Fukushima for fibers having a fineness of 0.7 dtex or less. The reason for this is because Civardi teaches completely different from Fukushima because Civardi intends to have a structure that is free of fibrous material. Including ultra-fine fibers from Fukushima would essentially destroy a fundamental aspect of Civardi. Those skilled in the art would thus have no motivation to look to Fukushima. Thus, one skilled in the art would not make that combination.

The further reliance on Streicher would also not cure the deficiencies set forth above with respect to Civardi. Even if one skilled in the art were to use the specific pigments disclosed by Streicher in the Civardi structure, the result of that combination would still not produce the Applicants' claimed substrate made of ultra-fine polyester fibers that is impregnated with a pigmented polyurethane. Such a combination would result in the specific pigments of Streicher being incorporated into the polymer latex of Civardi. This would still not result in a substrate that is impregnated with a pigmented polyurethane. Withdrawal of the rejection is respectfully requested.

Claims 6 and 8 stand rejected under 35 USC §103 over the further hypothetical combination of Pedain with Fukushima, Streicher and Civardi. The Applicants respectfully submit that Pedain fails to provide additional teachings that would cure the deficiencies set forth above with respect to Civardi, Fukushima and Streicher. Thus the combination is inapplicable to Claims 6 and 8. Withdrawal of the rejection is respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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